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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HARRY J. PRIEN,
Plaintiff,

v.

GARY LUCAS, *et al.*,
Defendants.

Case No. C07-5647 RJB/KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

This matter has been re-referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4, following entry of Judgment in favor of Defendants. Plaintiff presently seeks reconsideration of the undersigned's Order (Dkt. # 50) striking the noting date of his "Motion for Amended Information" (Dkt. # 40). In its Order, the Court noted that Plaintiff sought no relief and the Court interpreted the motion as a declaration in support of Plaintiff's opposition to Defendants' motions to dismiss and for summary judgment. (Dkt. # 50). The Court specifically stated that Plaintiff's pleading would be considered, along with all documents and papers submitted by the parties in determining the pending motions for summary judgment and for dismissal. *Id.* Having reviewed Plaintiff's motion (Dkt. # 63), affidavit (Dkt. # 64), Defendants'

1 responses (Dkt. # 65 and 66), and balance of the record, the undersigned finds that the motion for
2 reconsideration should be denied.

3 DISCUSSION

4 Motions for reconsideration are disfavored and will ordinarily be denied in the “absence of a
5 showing of manifest error in the prior ruling or a showing of new facts or legal authority which
6 could not have been brought to the court’s attention earlier with reasonable diligence.” Local Rule
7 CR 7(h)(1).

8 In addition, motions for reconsideration must be filed within ten (10) days of entry of the
9 order the movant seeks reconsidered. Fed. R. Civ.P. 59(b). The Order at issue was entered on May
10 5, 2008. (Dkt. # 50). More than twelve weeks elapsed between the time the Court entered its Order
11 and Plaintiff filed his motion for reconsideration. Plaintiff’s motion is, therefore, untimely.

12 In addition, Plaintiff’s “Motion for Amended Pleading” was not denied. In his motion for
13 reconsideration, Plaintiff specifically objects because the motion purportedly contains information
14 regarding his “outbound legal mail claim by C/O Grant.” (Dkt. # 63, p. 2). Plaintiff’s objections
15 are without merit. In its previous Order, the Court specifically stated that it would consider all
16 information submitted by Plaintiff. In addition, all of Plaintiff’s exhibits, including his grievances
17 related to C/O Grant were admitted. (Dkt. # 52).

18 Accordingly, Plaintiff’s motion for reconsideration (Dkt. # 63) is **DENIED**.

19 DATED this 6th day of August, 2008.

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23 Karen L. Strombom
24 United States Magistrate Judge
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